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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Matthew A. Mills : Group
Serial No: 10/774,707 : Art Unit #3739
Filed: 9 February 2004 : Examiner:
Title: THERMAL DEVICE : A.F. Roane

TRANSMITTAL OF SUBSTITUTE TERMINAL DISCLAIMER

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Terminal Disclaimer and Terminal Disclaimer fee were earlier filed on 13 October 2006. That Terminal Disclaimer was signed by the undersigned Attorney under the representative authority granted by an Associate Power of Attorney also filed earlier in this case. A Substitute Terminal Disclaimer now signed by the primary attorney of record, Daniel M. Cislo, is hereby submitted as a Substitute for the 13 October 2006 Terminal Disclaimer.

This Substitute Terminal Disclaimer is submitted to remove any question as to the Terminal Disclaimer having been properly signed. Except for the change in signing attorney, this Substitute Terminal Disclaimer is in all other respects identical in content to the earlier-submitted Terminal Disclaimer.

As the proper fee was already submitted with the earlier Terminal Disclaimer, no further fee is believed to be required for this filing. Nonetheless,

MR653-1432
Serial Number: 10/774,707

the Director of Patents and Trademarks is hereby authorized to charge Deposit
Account #18-2011 for any additional charges associated with this filing.

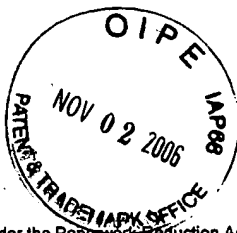
Respectfully submitted,
For: ROSENBERG, KLEIN & LEE



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Dated: 11/1/2006

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PTO/SB/25 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

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REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

MR653-1432

In re Application of: MATTHEW A. MILLS

Application No.: 10/774,707

Filed: 9 FEBRUARY 2004

For: THERMAL DEVICE

The owner*, MATTHEW A. MILLS, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/885,542, filed on 6 JULY 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

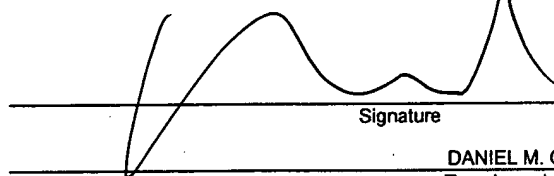
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 32,973



Signature

12 OCTOBER 2006

Date

DANIEL M. CISLO

Typed or printed name

310-451-0647

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) ~~is included~~ was earlier submitted in this case.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
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